IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE TWENTIETH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT:

THE HON'BLE SRI JUSTICE J. CHELAMESWAR

AND

THE HON'BLE SRI JUSTICE M. VENKATESWARA REDDY

WRIT APPEAL No.1325 OF 2005

(Writ Appeal under Clause 15 of the Letters Patent against the order dated 08-07-2005 in W.P.No.14724 of 2005 on the file of the High Court.)

Between:

Smt. V. Eramma W/o V. Basavaraju
aged 36 years, Agriculturist,

Malkapuram (V), Yemmiganur (M),

Kurnool District **..... APPELLANT**

AND

1. The Revenue Divisional Officer, Adoni,

Kurnool District.

2. The Mandal Revenue Officer, Yemmiganur Mandal,

Kurnool District.

.....RESPONDENTS

Counsel for the Appellant: Mr. B. Purshotham Reddy

Counsel for the Respondents: G.P. FOR REVENUE

The Court made the following:

JUDGMENT: (Per Hon'ble Sri Justice J. Chelameswar)

Aggrieved by the order passed by a learned single Judge of this Court in W.P. No.14724 of 2005, dated
08-07-2005, the unsuccessful petitioner filed this appeal.

It appears that an extent of Acs.2-46 cents of land in Survey No.62/A of Banavasi village, Yemmiganur Mandal, was assigned to the appellant/petitioner, some time in the year 1989. However, the 1st respondent by his proceedings, dated 13-06-2005, cancelled the assignment referred to above on various grounds, the details of which may not be necessary for the present purpose. Challenging the said order, dated 13-06-2005, the appellant filed the above mentioned writ petition. The only submission made by the appellant is that the proceedings, dated 13-06-2005, were not preceded by a notice giving an opportunity to the appellant to meet the various allegations contained in the said proceedings.

By order dated 08-07-2005, the learned single Judge was pleased to dismiss the writ petition in *limine* on the ground that the appellant has an effective alternative remedy by way of revision to the Joint Collector.

Learned counsel for the appellant submits that when the allegation of the appellant is that the impugned proceedings were issued without issuing any notice to the appellant thereby denied a reasonable opportunity amounting to violation of principles of natural justice.
and therefore the availability of an alternative remedy is not a consideration that is required to be weighed by the Court, and an order in violation of principles of natural justice is an order without jurisdiction.

We see substantial force in the submission made by the learned counsel.

Heard the learned Government Pleader for Revenue on the question that: as a matter of fact, whether the impugned order, dated 13-06-2005 was preceded by a notice. Learned Government Pleader submitted that the impugned order does not indicate that any such opportunity was given.

In the circumstances, we deem it appropriate to allow the appeal, at this stage, setting aside the impugned order with a liberty to the respondents to initiate proceedings for cancelling the assignment made in favour of the appellant, if they are so advised, in accordance with law.

The Writ Appeal is accordingly allowed, but in the circumstances without any costs.

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J. CHELAMESWAR, J

Date:20-07-2005.

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M. VENKATESWARA REDDY, J

PV

To

1. The Revenue Divisional Officer, Adoni,

Kurnool District.

2. The Mandal Revenue Officer, Yemmiganur Mandal,

Kurnool District.

3. Two C.Cs. to G.P. for Revenue, High Court of A.P.,

Hyderabad (O.U.T.)

4. Two C.D. copies.